

AUG 16 2005

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

JOHN A. CORCORAN, CLERK
BY:
DEPUTY CLERK

DALE P. KYSER,)	CIVIL ACTION NO. 3:04CV00049
)	
Plaintiff,)	
)	
v.)	<u>FINAL ORDER</u>
)	
JO ANNE BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant.)	JUDGE JAMES H. MICHAEL, JR.

By order dated October 7, 2004, this case was referred to the presiding United States Magistrate Judge for proposed findings of fact and a recommended disposition. Following a ruling on the merits, counsel for the plaintiff filed a motion for attorney's fees on June 3, 2005. Specifically, counsel petitions the court to allow a fee of \$3,125.00 (25 hours x \$125.00 per hour) for services rendered in the United States District Court for the Western District of Virginia as attorney for the plaintiff. The Commissioner did not file a response to the motion. On July 15, 2005, the Magistrate Judge filed a Report and Recommendation, which recommended that plaintiffs' counsel be awarded the amount requested for his court-related services. After a careful review of the entire record in this case, and no objection having been filed to the Magistrate Judge's Report within ten (10) days of its service upon the parties, *see* Fed. R. Civ. P. 72(b), the court adopts the Magistrate Judge's Report in its entirety. It is accordingly this day

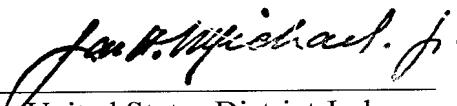
ADJUDGED, ORDERED, AND DECREED

as follows:

1. The Report and Recommendation of the United States Magistrate Judge, filed July 15, 2005, shall be, and hereby is, ADOPTED in its entirety;
2. The plaintiff's motion for attorney's fees, filed June 3, 2005, shall be, and hereby is, GRANTED;
3. Counsel for the plaintiff shall be, and hereby is, awarded \$3,125.00 in attorney's fees, under the Equal Access to Justice Act, 28 U.S.C.A. § 2412, *et. seq.* (West 1994 & Supp. 2002).
4. This case shall be, and hereby is, STRICKEN from the docket of the court.

The Clerk of the Court hereby is directed to send a certified copy of this Order to all counsel of record and to Magistrate Judge Crigler.

ENTERED:



Senior United States District Judge

8-16-05
Date